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MAY 13, 2010

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Governing Board action is required to concur with the emergency authorization issued by the Executive director, in accordance with 373.119(2), F.S., as the Executive Director deems necessary to meet the emergency. Items are place on this consent Agenda for <u>concurrence</u> .	

## RIGHT OF WAY OCCUPANCY NEW PERMITS

1. WILLIAM PATE  
Broward County
- Permit No. 13659  
Emergency Order No.  
2010-074-DAO  
Appl. No. 10-0407-1  
(Fee)

AUTHORIZING: REPAIR APPROXIMATELY 85 LINEAR FEET OF EXISTING SEAWALL WITHIN THE SOUTHERLY RIGHT OF WAY OF C-14 AT THE REAR OF 1310 SE 3RD WAY (LOT 32, WATERVIEW ESTATES).

LAST DATE FOR BOARD ACTION: JUNE 10, 2010

2. ERIC & CATHERINE COLLIN  
Palm Beach County
- Permit Number 13629  
Appl. No. 10-0217-1  
(Easement)

AUTHORIZING: EXISTING DOCK, SEAWALL, BOAT LIFT, PILINGS AND ELECTRICAL SERVICE WITHIN THE NORTH RIGHT OF WAY OF C-16 AT THE REAR OF 802 SHORE DRIVE (LOT 52, COQUINA COVE).

LAST DATE FOR BOARD ACTION: JUNE 10, 2010

3. VICKI L. BIEHLE  
Palm Beach County
- Permit Number 13648  
Appl. No. 10-0316-4  
(Easement)

AUTHORIZING: EXISTING DOCK WITH SEAWALL, PILINGS, RIP-RAP AND ELECTRICAL SERVICE WITHIN THE NORTH RIGHT OF WAY OF C-16 AT THE REAR OF 808 SHORE DRIVE (LOT 51, COQUINA COVE).

LAST DATE FOR BOARD ACTION: JUNE 10, 2010

4. ROBERT H. BREWSTER, JR.  
Palm Beach County
- Permit Number 13643  
Appl. No. 10-0305-1  
(Easement)

AUTHORIZING: EXISTING DOCK WITH SEAWALL, PILINGS AND ELECTRICAL SERVICE WITHIN THE NORTH RIGHT OF WAY OF C-16 AT THE REAR OF 830 SHORE DRIVE (LOT 47, COQUINA COVE).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

## RIGHT OF WAY OCCUPANCY NEW PERMITS

5. JOSE & VERONICA HERNANDEZ  
St. Lucie County

Permit No. 13638  
Appl. No. 10-0302-1  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 2' (55' FROM THE TOP OF BANK) AND AN EXISTING DOCK WITH PROPOSED DISTRICT REQUIRED RIP-RAP WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 1157 SOUTHWEST ABINGDON AVENUE (LOT 12, BLOCK 1591, PORT ST. LUCIE SECTION 23).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

6. NICK REZENDES & HILLARY COLLINS  
St. Lucie County

Permit No. 13637  
Appl. No. 10-0222-2  
(Easement)

AUTHORIZING: EXISTING DOCK WITH ELECTRICAL SERVICE AND PROPOSED DISTRICT REQUIRED RIP-RAP WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 688 SOUTHWEST ABINGDON AVENUE (LOT 5, BLOCK 1657, PORT ST. LUCIE SECTION 05).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

7. JAN GANDEE  
St. Lucie County

Permit Number 13639  
Appl. No. 10-0302-4  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 10' (75' FROM THE TOP OF BANK) AND AN EXISTING DOCK WITH PROPOSED DISTRICT REQUIRED RIP-RAP WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 968 SOUTHWEST SULTAN DRIVE (LOT 6, BLOCK 1291, PORT ST. LUCIE SECTION 12).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

8. LEO & ROSE FONTE  
St. Lucie County

Permit Number 13636  
Appl. No. 10-0222-1  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 10' (80' FROM THE TOP OF BANK) WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 226 SOUTHWEST DALTON CIRCLE (LOT 34, BLOCK 2896, PORT ST. LUCIE SECTION 41).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

## RIGHT OF WAY OCCUPANCY NEW PERMITS

9. AT&T CORPORATION  
Broward County

Permit Number 13644  
Appl. No. 10-0224-1  
(Fee & Easement)

AUTHORIZING: EXISTING AERIAL FIBER OPTIC CABLE CROSSING C-12 AT AN ANGLE LOCATED APPROXIMATELY 180' AND 255' EAST OF THE CENTERLINE OF N.W. 9TH DRIVE BRIDGE.

LAST DATE FOR BOARD ACTION: MAY 13, 2010

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10. R & R SUNRISE, LLC  
Broward County

Permit No. 13661  
Appl. No. 10-0309-2  
(Fee)

AUTHORIZING: EXISTING 12" OUTFALL STRUCTURE WITH CATCH BASIN THROUGH THE NORTH RIGHT OF WAY OF C-12 LOCATED APPROXIMATELY 350' WEST OF THE STATE ROAD 7.

LAST DATE FOR BOARD ACTION: MAY 13, 2010

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## RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

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| 1. | FLORIDA TURNPIKE ENTERPRISE<br>Miami-Dade County | Permit Number 4998<br>Appl. No. 09-0313-1M<br>(Fee) |
|----|--|---|

AUTHORIZING: REPLACEMENT OF RAMP "F", WIDENING OF THE NORTHBOUND AND SOUTHBOUND "HEFT" BRIDGES CROSSING C-1N, REPLACE 18" CULVERT WITH A NEW 36" CULVERT AND INSTALL ENDWALLS AND MANATEE GUARDS ON 5 EXISTING CULVERT CONNECTIONS IN CONJUNCTION WITH THE WIDENING OF FLORIDA'S TURNPIKE.

LAST DATE FOR BOARD ACTION: MAY 13, 2010

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| 2. | PAUL H. & NANCY L. SILVIS<br>St. Lucie County | Permit Number 12293<br>Appl. No.10-0222-4M<br>(Easement) |
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AUTHORIZING: TWO EXISTING LIFTS, WATER AND ELECTRICAL SERVICE WITHIN THE EAST RIGHT OF WAY OF C-23A AT THE REAR OF 165 SOUTHEAST ISLAND WALK DRIVE (LOT 25, BLOCK 11, RIVER POINT PUD FIRST REPLAT).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

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| 3. | LAWRENCE & CAMILLA HOROWITZ<br>St. Lucie County | Permit Number 12122<br>Appl. No. 10-0302-3M<br>(Easement) |
|----|---|---|

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 25' (75' FROM TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 914 S.W. SULTAN DRIVE (LOT 15, BLOCK 1291, PORT ST. LUCIE SECTION 12).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

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| 4. | CHARLENE M. PHILLIPS<br>St. Lucie County | Permit Number 11118<br>Appl. No. 10-0113-2M<br>(Easement) |
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AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 38' (62' FROM TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF THE C-24 AT THE REAR OF 1010 SOUTHWEST SULTAN DRIVE (LOT 3, BLOCK 1292, PORT ST. LUCIE SECTION 12).

LAST DATE FOR BOARD ACTION: JUNE 10, 2010

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## RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

5. JOHN & JACQUELINE CAMIDGE  
St. Lucie County

Permit Number 12079  
Appl. No. 10-0312-2M  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 15' (85' FROM TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 1046 SOUTHWEST SULTAN DRIVE (LOT 12, BLOCK 1292, PORT ST. LUCIE SECTION 12).

LAST DATE FOR BOARD ACTION: JUNE 10, 2010

6. JAMES C. & MARTHA L. WALSH  
St. Lucie County

Permit Number 7049  
Appl. No. 10-0111-2M  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF A TWIN COCONUT PALM TREE AND THE PROPOSED PLANTING OF A FIDDLEWOOD TREE ALL ENCROACHING APPROXIMATELY 5' (73' FROM TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 932 SOUTHWEST SULTAN DRIVE, (LOT 12, BLOCK 1281, PORT ST. LUCIE SECTION 12).

LAST DATE FOR BOARD ACTION: MAY 13, 2010

7. KEITH B. & JILL M. HANSEN  
St. Lucie County

Permit Number 12084  
Appl. No. 10-0222-3M  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 21' (49' FROM TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 600 SOUTHWEST ASTER ROAD (LOT 16, BLOCK 1657, PORT ST. LUCIE SECTION 05).

LAST DATE FOR BOARD ACTION: JUNE 10, 2010

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## RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

8.

KEN KLEIN  
St. Lucie County

Permit Number 8716  
Appl. No. 10-0302-2M  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF BANANA AND PALM TREES AND THE PROPOSED PLANTING OF 2 PALMS ENCROACHING 3'-6' (80'-83' FROM THE TOP OF BANK) WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 973 S.W. ABINGDON AVENUE (LOT 20, BLOCK 1582, PORT ST. LUCIE SECTION 23).

LAST DATE FOR BOARD ACTION: JUNE 10, 2010

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## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

Consideration of a request by the Palm Beach County Environmental Resources Management (Application Number 09-1204-1), Permit Number 13007) for a Modification of Right of Way Occupancy Permit Number 13007 and Waiver of the District's criteria to allow 2 existing gates to remain within the rights of way of C-18W at the County's existing, previously-authorized pedestrian bridge located approximately 3.99 miles downstream of the Beeline Highway (S.R. 710) Bridge. Location: Palm Beach County, Section 30, Township 41 South, Range 42 East.

The applicant's request for Waiver of the District's criteria, which governs the placement of semi-permanent and/or permanent above-ground encroachments within 40 feet of the top of canal bank within Works or Lands of the District, is based on substantial hardship. Palm Beach County owns and manages the 10,000 acre Loxahatchee Slough Natural Area, which is bisected by the C-18W Canal. The County is also the underlying fee owner to the canal and rights of way throughout this reach of C-18W and asserts that the gate structures are necessary protect the adjacent natural areas from non-pedestrian uses and to safely conduct on-going restoration activities. The District's Operations Maintenance Resource staff has reviewed the project and has determined that the existing gates do not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 35, Number 51* of the *Florida Administrative Weekly* on *December 24, 2009*. No public comments were received.

Therefore, staff recommends **approval** of a Modification to Right of Way Occupancy Permit Number 13007 and **approval** of the Petition for Waiver of the District's criteria which governs the placement of semi-permanent and/or permanent above-ground encroachments within 40 feet of the top of canal bank within Works or Lands of the District.

(Easement)



**EMERGENCY AUTHORIZATIONS WITH  
RIGHT OF WAY OCCUPANCY PERMIT**

1. Enter a final Order concurring with the Executive Director's emergency authorization issued to **William Pate** for immediate repair and/or replacement of a failing seawall on Works or Lands of the District known as the C-14 Canal, Broward County, FL, subject to Chapter 40E-6, F.A.C. (Order No. 2010-074-DAO).

The Right of Way Occupancy Permit authorizing this use of the Works or Lands of the District is contained in the Right of Way Occupancy New Permits section as well.

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